



(CIRCULAR).

DEPARTMENT OF CROWN LANDS,

MONTREAL, 14th MARCH, 1846.

SIR,

The Executive, on the representations made to them from various parts of the Province, have deemed it advisable to modify the terms lately established for the sale of Clergy Reserves, and a public notice to that effect will appear in the Gazette of this day. Your attention is therefore requested to the following directions, which supersede part of your former instructions respecting the sales of Clergy Reserves.

1st—*One Tenth* only, (instead of *One Third*) of the Purchase Money will, from this date, be required in hand, and the remainder in nine equal annual instalments of *One Tenth* each, payable on the 1st of January in each year, with interest, from date of Sale, the first of which to fall due and be payable on the 1st of January next ensuing after the day of Sale.

2nd—On Lots occupied without authority, in place of interest, as required by the late regulations, rent will be charged for the time of occupation, at the following rates, viz :

IN UPPER CANADA,				} On Lots of 200 Acres, and in proportion for half Lots.
For the First	7 years,	35s.	per annum,	
Second	7 ditto,	70s.	ditto,	
Third	7 ditto,	105s.	ditto,	
IN LOWER CANADA,				}
For the First	7 years,	25s.	per annum,	
Second	7 ditto,	50s.	ditto,	
Third	7 ditto,	75s.	ditto,	

3rd—The privilege of pre-emption granted by the late regulations to lessees or their assigns whose leases expired previous to the 1st day of January 1841, as also to occupants of Clergy Lots without authority previous to same date, shall not be considered to extend to such lessees or their assignees, or to such Occupants as do not on or before the 1st January 1847, make application to the Commissioner of Crown Lands for the purchase of the Clergy lots which they respectively occupy, and who do not on or before that day pay all rents which may be due, according to the present regulations.

4th—It will be an express condition of all Sales of Clergy Reserves, that the purchaser shall not cut or remove any timber (except for the purposes of clearing and building on the land) until the whole of the purchase money shall have been paid.

The rent to be charged is uniform in each section of the Province upon all lots occupied without reference to their respective value; there may therefore be cases in which, owing to the distance of the land from any market, the badness of the soil or other circumstances, the full rent, at the rate specified, would be a heavier charge than the land could bear, and might swell the price of it beyond its actual value including improvements.

It will be your duty to report such cases for the consideration of the Department, stating particularly the circumstances of each, and suggesting at the same time what would be in your opinion a fair and equitable charge.

In some instances, Occupants, although willing, have represented themselves unable to pay down the *One Third* of the Purchase Money required by the late regulations, together with all the arrears of Rent. The extension now granted for the payment of the principal will in a great measure meet the requirements of such cases.

It would be more in accordance with the wishes of the Government, and no doubt more for the interest of the purchasers, that the entire amount of arrears should be paid at the time of purchase, and this rule must be adhered to when practicable. Yet, in particular cases when the arrears will amount to a large sum, or when from other causes the occupant will

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be totally unable to pay the amount of arrears in hand, the Department will not object to add the latter to the principal, and receive instalments on the whole. In all such cases two in place of *one* instalment of ten per cent. will be required.

For instance, on a lot of 100 Acres valued at 10s. per Acre the price will amount to ..... £50 0 0

Supposing this lot to have been occupied 8 years, the charge for arrears will be as follows:—

Seven years at 17s. 6d. (for U. C.) .....	£6 2 6
One year at 35s. do. ....	1 15 0
	<hr/> £ 7 17 6

Making altogether the sum of ..... £57 17 6

Two Tenths of which will be £11 11s. 6d., and £5 15s. 9d. for each following instalment.

It will be necessary in all such cases that the arrears of Rent should be represented by a proportionate increase, on account of improvements, in the price of the Lot per Acre, and returned as such.

The Sale of the above Lot might therefore be inserted in the Monthly Return as made for 13s. 1½d. per Acre, to cover Principal and Arrears. To simplify the operation, any fraction under or over a *half-penny* might be left out in the calculation of the rate per Acre. The price of the above Lot would in that case be reduced to 13s. 1½d. per Acre, and amount altogether to £65 12s. 6d.

In all cases of application for the purchase of occupied Clergy Reserves, the parties in possession must be required to furnish to the Agent an affidavit from two neighbours, shewing the period of occupation, and the nature and extent of improvements made, to be transmitted with the returns.

It has been found that when the ten instalment system formerly prevailed, many Clergy Reserves were purchased, and the first instalment paid merely with a view to obtain the Timber thereon, which was accordingly removed, the Land was subsequently abandoned, and now remains to be resumed by the Government despoiled of its principal value.

To guard against a repetition of this evil, all future Sales must be made subject to the express condition that no Timber (except for the purpose of clearing or building on the Land) shall be removed until the whole of the Purchase Money is paid up.

Should an Occupant desire to sell any marketable Timber, he will have to apply for permission to do so to the Resident Agent, who, before granting the same, will insist on the value of the Timber to be cut being paid in hand, or will secure the amount thereof by Bonds payable within a period of nine months from the date of the permission, to be signed by the Applicant, with two good Sureties; the proceeds to be applied in part liquidation of the Purchase Money.

Sales already made under the late regulations, and on which interest and One Third of the Purchase Money have been paid, are not to be disturbed, but, if desired, the payment of future instalments may be delayed and divided so as to extend them over the term of nine years now allowed to Purchasers, taking care to bring all such future instalments into decimal portions of the original amount of purchase.

Rents on *leased* Clergy Reserves in Upper Canada are, as heretofore, to be collected by Mr. BAINES, at Toronto.

You will give as much publicity as possible to the notice before alluded to, copies of which will be sent to you for that purpose, and particularly to that part of it which refers to the future occupation of Clergy Lands without authority.

I have the honor to be,  
Sir,  
Your Obedient Servant,

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